

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MICHAEL L LOHMAN, and HALEY M  
LOHMAN,**

**Plaintiffs,**

**vs.**

**AARON RUCKER, in his individual  
capacity; and CHAD BORGMANN, in his  
individual capacity;**

**Defendants.**

**4:19CV3064**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Stipulated Motion to Amend Final Progression Order (Filing No. 24). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Stipulated Motion to Amend Final Progression Order (Filing No. 24) is granted, and the final progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs: **April 1, 2020**

For the defendants: **May 1, 2020**

- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **June 12, 2020**.
- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs: **June 1, 2020**

For the defendants: **July 1, 2020**

- 4) The deadline for filing motions to dismiss and motions for summary judgment remains **July 13, 2020**.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **July 1, 2020**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **July 15, 2020**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **July 13, 2020**.
- 7) The telephonic conference scheduled for May 29, 2020, is cancelled. A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **July 24, 2020**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 8) The Pretrial Conference remains scheduled before the undersigned magistrate judge on **October 16, 2020**, at **10:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. If any counsel wishes to appear in person, counsel must first confer with opposing counsel and then contact chambers to request permission to do so. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m.** on **October 9, 2020**.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6<sup>th</sup> day of March, 2020.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge